

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ASHLEY NELSON,

Plaintiff,

v.

TODD RICHARDS,

Defendant.

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No. 4:24-cv-00301-RHH

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by plaintiff Ashley Nelson, an inmate at the Chillicothe Correctional Center in Chillicothe, Missouri. This case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case against defendant Todd Richards alleging violations of her civil rights under 42 U.S.C. § 1983. Plaintiff alleges defendant is a doctor employed at the Chillicothe Correctional Center. Plaintiff claims Dr. Richards has been deliberately indifferent to her serious medical need during her incarceration at that facility. Plaintiff's claims arise entirely from events occurring during her incarceration in Chillicothe Correctional Center in Chillicothe, Missouri, which is located in Livingston County in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(3).

Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section,

any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Because the events or omissions giving rise to plaintiff's claims occurred in the Western District of Missouri, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Here, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri. In addition, in light of all of the circumstances, the Court believes it best if the transferee district addresses plaintiff's motion for appointment of counsel.

Accordingly,

IT IS HEREBY ORDERED that the Court will provisionally **GRANT** plaintiff's application to proceed in the district court without prepaying fees and costs. [ECF No. 3]

IT IS FURTHER ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 28th day of February, 2024.



RODNEY H. HOLMES
UNITED STATES MAGISTRATE JUDGE